

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

3 RONNIE LOUIS GAYLES,

4 Petitioner,

5 v.

6 JEFFREY A UTTECHT,

7 Respondent.

CASE NO. C19-5366 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

8
9 This matter comes before the Court on the Report and Recommendation ("R&R")
10 of the Honorable Theresa L. Fricke, United States Magistrate Judge. Dkt. 12. The Court
11 having considered the R&R and the remaining record, and no objections having been
12 filed, does hereby find and order as follows:

- 13 (1) The R&R is **ADOPTED**;
- 14 (2) Petitioner's motion requesting a ruling on the petition is **DENIED as moot**;
- 15 (3) Petitioner's petition for habeas corpus, Dkt. 6, is **DISMISSED without**
16 **prejudice** for failure to exhaust state judicial remedies;
- 17 (4) A certificate of appealability is **DENIED**; and
- 18 (5) The Clerk shall enter judgment and close this case.

19 Dated this 23rd day of August, 2019.

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21 BENJAMIN H. SETTLE
22 United States District Judge